

Appln. Ser. No. 10/651,428  
Resp. dated Jun. 9, 2006  
In Reply to Office Action of Feb. 9, 2006

### **REMARKS**

Claims 1-20 are pending in the present application. Claims 1-20 were rejected in the Office Action of February 9, 2006 ("the Office Action").

#### **Claims 1, 2, 7 and 8**

Claims 1, 2, 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 6,671,353 B1 ("Goh") in view of United States Patent No. 6,351,635 B1 ("Ohsuge"). Applicant respectfully traverses the rejection as set forth below.

Claim 1 recites "displaying a plurality of recording modes". The Examiner alleges that Goh at col. 2, lines 33-60 teaches these elements as set forth in claim 1. Applicant previously and comprehensively addressed this issue in the Amendment of November 28, 2005 at pages 6 and 7, the arguments and rebuttal evidence therein being incorporated herein in their entirety. However, the Examiner never addressed the arguments and rebuttal evidence in the most recent Office Action, namely, the Office Action of February 9, 2006.

Applicant respectfully requests that the Examiner address, with specificity, the arguments and rebuttal evidence that Applicant presented in the Amendment of November 28, 2005 at pages 6 and 7 with respect to at least these elements as set forth in claim 1.

In view of the arguments and rebuttal evidence as set forth in the Amendment of November 28, 2005 at pages 6 and 7, Applicant respectfully submits that Goh does not teach "displaying a plurality of recording modes" and Ohsuge is silent as to any form of display.

For at least the above reasons, the obviousness rejection cannot be maintained with respect to claim 1 and its rejected dependent claims (i.e., claims 2, 7 and 8).

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 1, 2, 7 and 8.

Claim 1 also recites "each of the plurality of recording modes for recording a different set of data frames exchanged between the mobile set and a second device during a phone call". The Examiner alleges that Ohsuge at FIG. 1 and col. 2, lines 20-30 teach these elements as set forth in claim 1. Respectfully, Applicant disagrees.

Appln. Ser. No. 10/651,428  
Resp. dated Jun. 9, 2006  
In Reply to Office Action of Feb. 9, 2006

Ohsuge at FIG. 1 and col. 2, lines 20-30 appears to extol the advantages of (1) converting data encoded by ADPCM of PHS into data encoded by PSI-CELP or V-SELP of PDC or (2) further compressing PHS voice data (i.e., converting data encoded by V-SELP into data encoded into PSI-CELP). In either case, the same alleged "set of data frames exchanged between the mobile set and a second device during a phone call" is being used. It is merely being compressed at a different compression rate. At most, Ohsuge merely teaches that the same alleged set of data frames that are compressed at a first data compression rate using ADPCM or a second data compression rate using V-SELP can instead be compressed at the highest compression rate, a third data compression rate, using PSI-CELP. However, it is the same alleged "set of data frames" and not "a different set of data frames ..." as set forth in claim 1.

For at least the above reasons, the obviousness rejection cannot be maintained with respect to claim 1 and its rejected dependent claims (i.e., claims 2, 7 and 8).

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 1, 2, 7 and 8.

#### Claims 3 and 10

Claims 3 and 10 stand rejected under 35 U.S.C. § 103(a) as being obvious over Goh in view of Ohsuge. Applicant respectfully traverses the rejection as set forth below.

Claim 3 recites "wherein the uplink and downlink data frames are selectively recorded based on data content analysis of each uplink and downlink data frame". Neither Goh nor Ohsuge teaches at least these elements as set forth in claim 3. In the Office Action, the Examiner admits that Goh does not teach at least these elements as set forth in claim 3. However, the Examiner alleges that Ohsuge at FIG. 1 and col. 3, lines 20-30 and lines 50-55 teaches these elements.

Applicant respectfully submits that whether the uplink and down line data frames are not selectively recorded based on data content analysis of each uplink and downlink data frame. Applicant respectfully submits that all of the alleged uplink and downlink data frames are recorded whether encoded by ADPCM, V-SELP or PSI-CELP. Respectfully, it appears that all of the alleged uplink and downlink data frames are recorded, but merely at different compression rates. Furthermore, Ohsuge does not appear to engage in data content analysis.

Appln. Ser. No. 10/651,428  
Resp. dated Jun. 9, 2006  
In Reply to Office Action of Feb. 9, 2006

For at least the above reasons, the obviousness rejection cannot be maintained with respect to claim 3 and its rejected dependent claim (i.e., claim 10).

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 3 and 10.

#### **Claims 4-6 and 11**

Claims 4-6 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Goh in view of Ohsuge. Applicant respectfully traverses the rejection as set forth below.

Claim 4 recites "wherein the uplink and downlink data frames are selectively recorded based on data content analysis of each uplink and downlink data frame". Neither Goh nor Ohsuge teaches at least these elements as set forth in claim 4. In the Office Action, the Examiner admits that Goh does not teach at least these elements as set forth in claim 4. However, the Examiner alleges that Ohsuge at FIG. 1 and col. 3, lines 20-30 and lines 50-55 teaches these elements.

Applicant respectfully submits that whether the uplink and down line data frames are not selectively recorded based on data content analysis of each uplink and downlink data frame. Applicant respectfully submits that all of the alleged uplink and downlink data frames are recorded whether encoded by ADPCM, V-SELP or PSI-CELP. Respectfully, it appears that all of the alleged uplink and downlink data frames are recorded, but merely at different compression rates. Furthermore, Ohsuge does not appear to engage in data content analysis.

For at least the above reasons, the obviousness rejection cannot be maintained with respect to claim 4 and its rejected dependent claims (i.e., claims 5, 6 and 11).

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 4-6 and 11.

#### **Claims 9 and 13**

Claims 9 and 13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Goh in view of Ohsuge and further in view of United States Patent No. 6,377,793 B1 ("Jenkins"). Applicant respectfully traverses the rejection as set forth below.

Appln. Ser. No. 10/651,428  
Resp. dated Jun. 9, 2006  
In Reply to Office Action of Feb. 9, 2006

Claims 9 depends from claim 1. Claim 13 depends from claim 9. Accordingly, the arguments made with respect to claim 1 and Goh and Ohsuge are made with respect to dependent claims 9 and 13.

For at least the above reasons, the obviousness rejection cannot be maintained with respect to dependent claims 9 and 13.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 9 and 13.

#### Claims 18-20

Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Goh in view of Ohsuge and further in view of United States Patent No. 6,233,320 B1 ("Haimi-Cohen"). Applicant respectfully traverses the rejection as set forth below.

Claim 18 and 19 depend from claim 3. Accordingly, the arguments made with respect to claim 3 and Goh and Ohsuge are made with respect to dependent claims 18 and 19.

In the Office Action, the Examiner also alleges that Haimi-Cohen teaches "wherein data content analysis includes a determination of data content level" and "wherein the data content analysis includes a determination of voice activity". In particular, the Examiner alleges that Haimi-Cohen teaches these elements from col. 4, line 66 to col. 5, line 25.

The Examiner is reminded that claim 18 depends from claim 3. Thus, the combination of claims 18 and 3 would recite that the uplink and downlink data frames are selectively recorded based on data content analysis, (wherein the data content analysis includes a determination of data content level), of each uplink and downlink data frame.

With respect to Haimi-Cohen, the Examiner is referring to the voice activity detector (VAD) 130 illustrated in FIG. 4 of Haimi-Cohen. As previously discussed in the Amendment of November 28, 2005 at pages 7 and 8, which the Examiner is respectfully requested to carefully peruse and to incorporate herein in its entirety, the VAD 130 is included in the playback module 106 which controls playback of already recorded speech packets in the non volatile memory 110, and not in a record module 104 which controls the recording of speech packets. Thus, Haimi-Cohen's VAD does not affect the speech packets that are recorded, but simply affects which

Appln. Ser. No. 10/651,428  
Resp. dated Jun. 9, 2006  
In Reply to Office Action of Feb. 9, 2006

speech packets are played back by the playback module. This is in stark contrast to, for example, combination of claims 18 and 3.

A similar argument is also made with respect to claim 19 which also depends from claim 3.

Claim 20 depends from claim 4. Accordingly, the arguments made with respect to claim 4 and Goh and Ohsuge are made with respect to dependent claim 20.

A similar argument is also made with respect to claim 20 which depends from claim 4 which also recites "wherein the uplink and downlink data frames are selectively recorded based on data content analysis of each uplink and downlink data frame".

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 18-20.

#### Claim 12

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being obvious over Goh in view of Ohsuge and further in view of United States Patent No. 6,256,354 B1 ("Yoshida"). Applicant respectfully traverses the rejection as set forth below.

Claim 12 depends from claim 1. Accordingly, the arguments made with respect to claim 1 and Goh and Ohsuge are made with respect to dependent claim 12.

For at least the above reasons, the obviousness rejection cannot be maintained with respect to dependent claim 12.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claim 12.

#### Claims 14-17

Claims 14-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Goh in view of Haimi-Cohen and further in view of United States Patent No. 6,161,007 ("McCutcheon"). Applicant respectfully traverses the rejection as set forth below.

Was it a typographical error not to include Ohsuge in the obviousness rejection? Applicant notes that independent claims 3 and 4 were rejected by combining Goh in view of Ohsuge. Please clarify.

Appln. Ser. No. 10/651,428  
Resp. dated Jun. 9, 2006  
In Reply to Office Action of Feb. 9, 2006

Claims 14 depends from claim 3. Claim 15 depends from claim 14. Accordingly, the arguments made with respect to claim 3 and Goh (and Ohsuge, if applicable) are made with respect to dependent claims 14 and 15.

Claims 16 depends from claim 4. Claim 17 depends from claim 16. Accordingly, the arguments made with respect to claim 4 and Goh (and Ohsuge, if applicable) are made with respect to dependent claims 16 and 17.

To the extent by which Haimi-Cohen is alleged to teach "wherein the uplink and downlink data frames are selectively recorded based on *data content analysis* of each uplink and downlink data frame" (italics added) as set forth in claim 3 from which claims 14 and 15 depend and as set forth in claim 4 from which claims 16 and 17 depend, then similar arguments as made above with respect to claim 18 are also made herein.

For at least the above reasons, the obviousness rejection cannot be maintained with respect to dependent claim 12.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 14-17.

Appln. Ser. No. 10/651,428  
Resp. dated Jun. 9, 2006  
In Reply to Office Action of Feb. 9, 2006


**Conclusion**

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-20 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: June 9, 2006

Respectfully submitted,

  
Michael T. Cruz  
Reg. No. 44,636

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone: (312) 775-8084  
Facsimile: (312) 775-8100